

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ANDREW LEE FLOWERS, JR.,)	
)	
Plaintiff,)	
vs.)	No.: 19 CV 06423
)	
WEXFORD HEALTH SOURCES, INC.;)	
PATRICIA BURKE, M.D., sued in her)	
Individual capacity; CLAUDE OWIKOTI,)	
Sued in his individual capacity; MICHAEL)	
RUSSELL, O.D., sued in his individual)	Honorable Robert W. Gettleman
Capacity; KRISTA HYATT-TORRES,)	
Sued in her individual capacity; DEBORAH)	
MCCALLUM, sued in her individual)	
capacity; JESSICA ORTEGON, sued in her)	Honorable Jeffrey T. Gilbert
individual capacity; VICTORIA PLUMMER,)	
sued in her individual capacity; MELISSA D.)	
LAMESCH, sued in her individual capacity; and)	
JOHN DOES, currently unknown employees of)	
the Illinois Department of Corrections or Wexford)	
Health Sources, Inc.,)	
)	
Defendants.)	

UPDATED JOINT STATUS REPORT

Pursuant to the Court's September 30, 2020 order (Dkt. #85), the parties hereby submit an updated status report regarding the progress of written discovery.

The parties met by telephone on Thursday October 8, 2020 to discuss written discovery, the commencement of deposition discovery and the preparation of this updated status report.

On June 15 and 16, 2020, the Plaintiff and Defendants Burke, Lamesch, Ortegon, Owikoti, Plummer, Russell and Wexford served written discovery requests, including requests for the production of documents. Defendants Hyatt-Torres and McCallum did not serve written discovery requests because those served on Plaintiff by the other Defendants requested the documents and

information that Defendants Hyatt-Torres and McCallum would have requested. The parties agreed to produce discovery responses by August 20, 2020, considering the time it took parties to gather responsive documents. On August 24, 2020, Defendant Burke subpoenaed documents from the State of Illinois Administrative Review Board and the University of Illinois Hospital & Health Sciences System.

On August 6, 2020, Plaintiff produced documents obtained from Sheridan Correctional Center and the Hennessey Law Firm. On August 19, 2020, Defendants McCallum and Hyatt-Torres produced documents. On August 20, 2020 Defendants Wexford, Ortegon, Plummer, Owikoti, and Lamesch forwarded their responses to Plaintiff's written discovery and produced responsive documents to Plaintiff. On August 20, 2020, Defendant Burke produced her responses to written discovery. On August 20, 2020 Defendant Russell produced his responses to written discovery. On August 24, 2020, the plaintiff produced documents in its possession and custody to all Defendants. Defendant Wexford is still reviewing documents and redacting necessary information pursuant to the HIPAA order and expect to be able to produce them by October 16, 2020. On September 22, 2020, counsel for Defendant Burke provided the documents produced by the subpoenaed parties to Plaintiff. During the meet and confer, the parties also discussed the best means for obtaining documents from Plaintiff's current medical provider and documents from Kane County Jail. Although a HIPAA order has been entered as well as a Protective Order to safeguard the records, Kane County has not authorized the disclosure and dissemination of the records from the Kane County Jail.

During the meet and confer, the parties also discussed deposition discovery. Fact discovery closes May 18, 2021. (Dkt. #68). Defendants have noticed the plaintiff's deposition for November 16, 2020 by Zoom. However, that date no longer works for all parties and parties have discussed

the possibility of taking Plaintiff's deposition December 1, 2020, contingent on timely production of the Kane County Jail records from the County and records from treating physician Dr. Gregg J. Berdy. Plaintiff's counsel is in the process of determining whether that date will work. Plaintiff's counsel informed Defendants' counsel he would like to take the depositions of each of the individual defendants after deposing a 30(b)(6) witness from Defendant Wexford on its policies and procedures and requested the parties provide potential dates of availability in January and February of 2021 for those depositions. Plaintiff's counsel also informed defendants' counsel that he intends to notice depositions of witnesses other than the parties based on his review of the documents that defendants have produced and will produce.

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CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2020, I caused the foregoing to be uploaded to the court's CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Aaron A. Barlow
Aaron A. Barlow